

February 12, 1993

Fletcher N. Platt, Jr., P.E.
Executive Vice President

507613



Charles Licata, Esq.
Assistant State Environmental Prosecutor
Division of Law and Public Safety
25 Market Street
CN 118
Trenton, NJ 08625

Re: 206001 - City of Perth Amboy -
Draft Emergency NJPDES DGW Permits for
CPS/Madison

Dear Mr. Licata:

We have reviewed the Draft Emergency New Jersey Pollutant Discharge Elimination System (NJPDES) Discharge to Groundwater (DGW) Permits which were prepared to permit CPS Chemical and Madison Industries to recharge treated water from the operating recovery wells. In accordance with your letter dated February 2, 1993 transmitting these materials to the counsel for CPS and Madison Industries, we are hereby submitting our preliminary comments regarding these permits by February 15, 1993. However, the City of Perth Amboy reserves the right to issue further comments during the standard thirty (30) day comment period. Due to the similarity between the draft emergency permits prepared for CPS Chemical and Madison Industries, many, but not all of our comments will apply to both documents.

CPS Draft DGW Permit

The City disagrees with, and objects to the plan to issue a discharge permit to CPS Chemical for recharge of treated groundwaters on City-owned property, without the prior evaluation and determination that such discharge will not adversely affect the quantity or quality of water produced by Perth Amboy's water supply wells. As stated on the NJPDES Fact Sheet on Page 1:

"Remedial investigation activities and groundwater monitoring at the site indicate that groundwater and soils have been impacted by volatile organic compounds (VOCs) and possibly other soluble organic compounds from manufacturing processes at the site."

In addition, Part II-DGW-K General Condition I.A. states:

"Recharge of water shall take place in an area where groundwater quality has been determined."

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The Department acknowledges that soluble organic compounds have possibly impacted the site. The Industries have not yet evaluated or investigated these compounds at the Runyon Watershed. Therefore it is inappropriate to issue discharge permits without first evaluating the presence of these compounds and the effect that recharge may have. The CPS recharge site is located directly upgradient of the City supply wells, and recharge at this site may lead to the increased rate of organic compound migration towards these wells.

The City questions the implication and language contained in Part II-DGW-K General Condition II.B which is in part as follows:

"The permittee shall take any and all action necessary above and beyond the requirements of this permit to prevent any groundwater contamination from impacting a water supply well."

The wording of this condition should be modified to indicate that the City or Department will take any action to prevent further contamination of the water supply wells. The City will not allow CPS Chemical or Madison Industries to be given any role in the operation of its water supply, including supply well pumping rates and schedules, treatment plant operation and options, and similar actions. CPS/Madison should be required to assume only financial responsibility for necessary remedial actions to protect the wells. Furthermore, the City Supply Wells No. 5 and No. 6 have already been impacted by VOCs, heavy metals and possibly, soluble organic compounds. Investigation of areas downgradient of the recharge site, and in close proximity to the City supply wells, indicates significant levels of VOCs and heavy metals. The extent of this contamination has been well documented by the City, USEPA and both CPS Chemical and Madison Industries. The Department must establish the methodology which will be utilized to differentiate between present contamination of the wells at the Runyon Watershed and the possible adverse impacts on the wells caused by the recharge.

Prior to the implementation of recharge directly upgradient of the City water supply wells, suitable wellhead treatment must be provided for City Supply Well No. 6, and possibly City Supply Well No. 5. As was discussed in my October 13, 1992 letter to Lance Miller, Assistant Commissioner of the NJDEPE, the simulations of recharge indicated that the principle effect of placing the recharge at the proposed CPS site was to slightly narrow the zone of capture for CPS Recovery Well No. 2 and to substantially narrow the zone of capture of RW-5. In addition, as discussed in my letter to Paul Harvey dated August 20, 1992, our evaluation of the remedial pumping system found that the available migration pathways of contaminants within the Runyon Watershed were not adequately addressed by Wehran Envirotech, the consultants for CPS Chemical. It is the City's position that the recovery well system is not adequate to contain or control the contaminant plumes at the Runyon Watershed. Due to the fact that there is evidence of significant contamination downgradient of the proposed CPS recharge area, and due to the evaluation which determined that recharge at this site may enhance contaminant flow towards the City supply wells, the City will not accept recharge of treated groundwater at this location unless adequate protection, vis a vis wellhead treatment, is provided prior to such recharge taking place.

CPS and Madison Draft DGW Permits

Despite repeated requests by the City, the City has yet to receive any information from CPS Chemical and Madison Industries concerning their proposed means of treatment. Part II-DGW-K General Condition F includes the design, treatment and operation conditions for the proposed treatment facilities. General Condition F.2.a states:

"a certification that the system is adequate to meet the effluent limits specified in Table 2, Part III-DGW of this permit;"

Review of the proposed discharge limits as detailed in Table 2 of both permits does not specify any limits for the discharge of soluble organic compounds. Should a treatment system design fail to consider and address the treatment requirements and technologies necessary to remove such compounds, the proposed recharge may act to directly inject these materials further downgradient and toward the City's water supply wells. In the City's opinion, to design and implement a treatment and recharge system without first evaluating the types of compounds which will be recovered, treated and discharged is conceptually flawed. The City therefore reserves the right to review and comment upon the detailed plans, specifications, and pilot and feasibility studies that CPS will be required to prepare for these facilities. The City is concerned with the ability of the proposed facilities to adequately and consistently treat the recovered waters to be discharged upgradient of its water supply wells, including such factors as performance, reliability, backup systems, contingency plans and other important design and operating conditions.

According to Table 2 on Page 6 of Part III-DGW-K, CPS Chemical and Madison Industries will be required to perform weekly sampling analysis of the discharge, but will only need to report the results on a quarterly basis. The City believes it should directly receive the weekly results, and not have to wait three (3) months to obtain this data. In addition, the City requests that an independent laboratory be retained by the Department to frequently monitor the critical parameters associated with this discharge. The City also believes it should be provided access to perform its own monitoring of any treatment system or discharge on its property.

Recent groundwater monitoring in the area of proposed recharge indicates that the Old Bridge aquifer is full and is discharging to Pricketts Brook. Therefore there is no need and no benefit will be provided by recharge of the remediated groundwater at this time. The appropriate steps outlined above can and must be taken prior to implementing recharge on the Runyon Watershed.

The City has reviewed and given approval to the preliminary comments addressed in this letter. Based upon the mandated public comment period for NJPDES permits and due to the importance and magnitude of the conditions and terms contained in these permits, the City will issue a formal comment letter which more fully addresses the City's concerns and positions with regard to these permits within the next three (3) weeks.



Thank you for the opportunity to review and comment upon these draft emergency NJPDES permits. Should you have any questions or comments concerning the above, please do not hesitate to contact this office.

Very truly yours,

KILLAM ASSOCIATES

A handwritten signature in black ink, appearing to read 'Fletcher N. Platt, Jr.'.

Fletcher N. Platt, Jr., P.E.

FNP:lf

cc: Mayor Joseph Vas
Larry Pollex
Martin Langenohl
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